

<b>Division 9, First Judicial District Court</b> 100 Jefferson County Parkway Golden, Colorado 80401 Telephone: (303) 271-6130	
<b>In re the Marriage of:</b>  Petitioner: <b>CHRISTY HARRINGTON,</b> <b>n/k/a    CHRISTY RYAN</b>  and  Respondent: <b>SEAN L. HARRINGTON</b>	
Sean L. Harrington P.O. Box 351855 Westminster, CO 80035	↑ <b>COURT USE ONLY</b> ↑ Case Number: 99DR3717 Jefferson County C.S.E.U. No. 30-192795-44-8A
<b>Father's Unopposed Motion for Leave to Appear by Telephone</b>	

Father, above named, pursuant to C.R.C.P. § 43(i), moves this Court for an order permitting him to appear by telephone at time of forthcoming hearing regarding nonparty Wilson's Bill of Costs. As grounds for the within Motion, father states as follows:

1. Former counsel-of-record and nonparty Madeline Wilson has issued a Notice of Hearing for October 8, 2009.
2. Father seeks leave to appear by telephone because he does not reside in Colorado and, therefore, an in-person appearance will necessitate extraordinary expenses, including air, hotel and rental car accommodations.
3. Because the burden of proof in establishing the reasonableness of attorney fees falls on the party asserting the fees (*Brody v. Hellman*, 167 P.3d 192, 206 (Colo. App. 2007)) and, therefore, there would be no need to observe father's demeanor to determine his credibility, there is no need for father to be physically present at the hearing.
4. Pursuant to Rule 121, father consulted with counsel for non-party Wilson. Opposing counsel indicated by e-mail reply on June 24, 2009 that there is no objection to the within Motion.

**WHEREFORE**, father requests an Order of this Court permitting father to appear by telephone at time of hearing.

Submitted this 29<sup>th</sup> day of July, 2009.

  
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Sean L. Harrington

## CERTIFICATE OF MAILING

I hereby certify that on the 29<sup>th</sup> day of July, 2009, a true and accurate copy of the foregoing *MOTION FOR LEAVE TO APPEAR BY TELEPHONE* has been mailed, first class postage prepaid, to the following:

**First Judicial District Court**  
Division 9  
100 Jefferson County Parkway  
Golden, CO 80401

and by electronic mail to:

David H. Yun ([DYun@jalegal.com](mailto:DYun@jalegal.com));  
Brett N. Huff ([bhuff@huffandleslie.com](mailto:bhuff@huffandleslie.com)); and  
Christy C. Ryan ([cryan72@msn.com](mailto:cryan72@msn.com)).

